



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPR) NO.16 OF 2024 (DELAY) IN
CRIMINAL REVISION APPLICATION NO.7 OF 2024

PRAVIN LAXMANRAO MESHARAM
VS
SWAPNA W/O. PRAVIN MESHARAM

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. M.P. Kariya, Advocate for the applicant
Mr. A.A. Pande, Advocate (appointed) for the non-applicant

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 17th December, 2024.

1. Heard rival submissions.
2. The applicant-husband is seeking condonation of delay of 733 days in filing the revision application before this Court against the order whereby the maintenance, amount granted to non-applicant/wife is enhanced to Rs.10,000/- per month by the learned Family Court, from the earlier maintenance of Rs.1,000/- per month.
3. The learned counsel for the applicant-husband submits that the applicant was admitted in rehabilitation centre due to his habit of consuming alcohol and when the impugned order was passed, he was in the said centre itself. He further submits that there was no opportunity to him to contest the matter on merit and with intent to deprive him from such opportunity, somebody fraudulently appeared on his behalf.

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4. On the contrary, the learned counsel for the non-applicant/wife strongly opposed the application on the ground that there is huge delay, which remained unexplained.

5. However, it is to be noted that though there are huge arrears of maintenance to the tune of Rs.5,50,000/- approximately, but there is no stay granted in favour of the applicant-husband and the recovery proceeding filed by the wife is going on.

6. At this juncture, considering the fact that the impugned judgment was passed *exparte* against the applicant-husband, the delay of 733 days can be condoned in the interest of justice and by keeping in mind the principles of natural justice.

7. Accordingly, the application is **allowed** and the delay of 733 days in filing appeal against the impugned judgment stands condoned. The revision application is already registered.

8. The fees for the appointed Advocate on behalf of the non-applicant/wife be quantified as per the Rules.

(SANDIPKUMAR C. MORE, J.)